

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5736/2022

GANESH DAGDUJI SALUNKE AND ANOTHER
VS
RAMESHCHANDRA DAGDU SALUNKE (SOLANKE) AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Kartik Rao, counsel h/f Shri P.K. Mohta, counsel for the petitioners.

Shri V.B. Bhise, counsel for the respondent No.1.

CORAM : ANIL S. KILOR, J.

DATED : 23/01/2023

1. Heard.
2. In this writ petition, the judgment and order passed by the District Judge-1, Akot, District Akola, allowing the Miscellaneous Civil Application and thereby setting aside the order passed below Exhibit-5, dated 23/06/2020 passed by the learned Joint Civil Judge, Junior Division, Akot in Regular Civil Suit No. 24/2020, and thereby directing the defendant Nos. 1 and 2/petitioners not to carry out any construction on Plot No. 121, Nazul Sheet No. 20-C, till final disposal of the suit, is under challenged.
3. After going through the finding recorded by the learned trial Court, particularly in para Nos. 10 to 14 and further considering that the defendant No.1 is doing the construction of the house under the 'Pradhan Mantri Avas

Yojana' (for short 'the PMAY') i.e. from the Government money, and further as the dispute is about the ownership of the land, I am of the opinion that, the learned Lower Appellate Court is right in restraining the petitioners from carrying out the construction of a house on disputed property, till disposal of the suit. Accordingly, I do not find any merit in the present writ petition, the petition is **dismissed**.

4. Considering the nature of dispute and as the injunction is operating in favour of the petitioners, as regard the construction of a house, the learned trial Court is directed to expedite the trial and decide the same expeditiously.

JUDGE